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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,793	02/18/2004	Ben Lee	21400-RA	2723
30184	7590	08/09/2007	EXAMINER	
MYERS & KAPLAN			AGGARWAL, YOGESH K	
INTELLECTUAL PROPERTY LAW, L.L.C.				
CUMBERLAND CENTER II			ART UNIT	PAPER NUMBER
3100 CUMBERLAND BLVD, SUITE 1400			2622	
ATLANTA, GA 30339				
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			08/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/780,793	LEE, BEN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Yogesh K. Aggarwal	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-25 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 February 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 05/18/2004.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 8, 10-15 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Strub et al. (US Patent # 6,934,461).

**[Claim 1]**

Strub et al. teaches a camouflaged image capturing device (recording unit 700 and 800, figures 7 and 8a-8c, col. 78 lines 25-42), comprising a camera (data acquisition device 701 in figure 7 shows a camera and 853 in figure 8a. also see col. 72 line 10-col. 73 line 2, col. 75 lines 36-48), camouflage means (camouflage colors) carried on said camera (853) for blending in with a user's environment (col. 78 lines 25-42) and fastening means (strap 851c in figure 8a) for attachment of said camera to the user (col. 75 lines 36-48).

**[Claim 2]**

Strub teaches wherein said camera is a miniature video camera (col. 72 line 53-col. 73 line 2).

**[Claims 3 and 4]**

Strub teaches sound capturing means (microphones 854a and 854b) that comprises at least one microphone (col. 75 lines 49-58, also see col. 73 lines 3-25, figure 7, 8a and 8c,).

**[Claim 5]**

Strub teaches cabling means having wires for carrying video signals, audio signals and power for said camera (col. 76 lines 41-45, figures 7 and 8a-c, col. 68 line 57- col. 69 line 9, col. 69 line 65-col. 70 line 12, For power supply, read col. 15 lines 30-37).

[Claim 8]

Strub teaches wherein the color of the recording unit (camera) is camouflaged with the surrounding which includes person's clothing are matched with person's clothing for hunting purposes (col. 78 lines 25-42). Therefore it would be inherent that holding means like the clothing of a person is camouflaged with the camera.

[Claim 10]

Strub teaches a video recorder (col. 74 lines 8-23).

[Claim 11]

Strub teaches a method for hands-free camera operation (col. 15 lines 7-37) comprising the steps of:

- a) providing a camera (data acquisition device 701 in figure 7 shows a camera and 853 in figure 8a. also see col. 72 line 10-col. 73 line 2) having means for attachment (strap 851c in figure 8a for attachment of the camera to the user, col. 75 lines 36-48);
- b) providing means (wiring) for communication with a recording device (col. 76 lines 41-45, figures 7 and 8a-8c teach different components of the recorder i.e. 701 containing camera and 703 containing tape recorder are connected through wiring).
- (c ) establishing communication between said camera and said recording device via said means for communication (col. 76 lines 41-45, figures 7 and 8a-c, a communication would inherently

be established in order to transmit at least the image signals between the camera and communication device); and

d) attaching said camera to an article of clothing, accessory via said means for attachment (strap 851c in figure 8a for attachment of the camera to the user's clothing, col. 75 lines 36-48).

[Claim 12]

Strub teaches wherein said camera is camouflaged (col. 78 lines 25-42).

[Claim 13]

Strub teaches wherein said means for communication is a wireless transmitter/receiver combination (col. 68 line 57- col. 69 line 9).

[Claims 14 and 15]

Strub teaches further comprising cabling means having wires for carrying video signals, audio signals and power for said camera (col. 76 lines 41-45, figures 7 and 8a-c, col. 68 line 57- col. 69 line 9, col. 69 line 65-col. 70 line 12, For power supply, read col. 15 lines 30-37).

[Claim 17]

Strub teaches sound capturing means (microphones 854a and 854b) that comprises at least one microphone (col. 75 lines 49-58, also see col. 73 lines 3-25, figure 7, 8a and 8c,).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Strub et al. (US Patent # 6,934,461).

[Claim 7]

Strub fails to teach in this embodiment if said fastening means is sewn into the clothing of a user. However Strub teaches in another embodiment wherein said fastening means is sewn into the clothing of a user (col. 71 lines 15-23). Therefore taking the combined teachings of Strub present and another embodiment, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have fastening means being sewn into the clothing of a user in order to make the device unobtrusive and low attention to persons other than the recorder as taught by Strub (col. 71 lines 8-23).

5. Claims 18-22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foster et al. (US Patent # 6,704,044) in view of Strub et al. (US Patent # 6,934,461).

[Claim 18]

Foster teaches a combination cap and image capturing system (figure 1), comprising: an image capturing device (22, col. 3 lines 1-3); a cap (12) having a bill (18, col. 2 lines 56-67); attachment means (30) for holding said image capturing device to said bill (col. 3 lines 35-38, figures 2-3); a recording device having receiving means for accepting an electronic signal (col. 4 lines 39-50); and communication means (24) for transmitting an electronic signal from said image capturing device to said recording device (col. 4 lines 39-50).

Foster fails to teach wherein the image-capturing device is camouflaged. However Strub teaches a recording unit that is mounted on the head of a camera (See figure 4) that is camouflaged (col. 78 lines 25-42, figure 7) in order to use it for hunting.

Therefore taking the combined teachings of Foster and Strub, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have an image-capturing device that is camouflaged in order to use it for hunting so that animals or other game cannot see the camera blended in within the surroundings thereby making the device unobtrusive and low attention to anybody other than the recorder as taught by Strub (col. 71 lines 8-23).

[Claim 19]

Strub teaches a power source for said camouflaged image capturing device and said recording device (col. 76 lines 41-45, figures 7 and 8a-c, Also See col. 77 lines 15-23, col. 15 lines 30-37).

[Claims 20 and 22]

Strub teaches further comprising cabling means having wires for carrying video signals, audio signals and power for said camouflaged imaging device (col. 76 lines 41-45, figures 7 and 8a-c, col. 68 line 57- col. 69 line 9, col. 69 line 65-col. 70 line 12, For power supply, read col. 15 lines 30-37).

[Claim 21]

Foster teaches wherein said communication means is radio frequency transmitter and receiver (col. 3 lines 14-29).

[Claim 24]

Strub teaches sound capturing means (microphones 854a and 854b) that comprises at least one microphone (col. 75 lines 49-58, also see col. 73 lines 3-25, figure 7, 8a and 8c,).

6. Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strub et al. (US Patent # 6,934,461) in view of Copp (US PG-PUB # 2001/0055544).

[Claims 6 and 16]

Strub teaches cabling means having wires for carrying video, audio and power but fails to teach said wires terminating in a RCA plug. However Copp teaches the use of electronic cables using "RCA plugs" or similar plug devices to provide signal inputs (Paragraph 37) in order to have a widely used plug that is easily available and has been in use for many years and yet is simple, most cost effective way to connect a cable to an electronic box.

Therefore taking the combined teachings of Strub and Copp, it would be obvious to one skilled in the art to have cabling wires that terminate in a RCA plug in order to have a widely used plug that is easily available and has been in use for many years and yet is simple, most cost effective way to connect a cable to an electronic box.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Strub et al. (US Patent # 6,934,461) in view of Friedland (US Patent # 5,583,571).

[Claim 9]

Strub fails to teach a sleeve for holding camera. However Friedland teaches a hands free camera that has an elastic sleeve 2 used to hold the camera 4 (col. 2 lines 1-10, figure 1). Therefore taking the combined teachings of Strub and Friedland, it would be obvious to one skilled in the art to have an elastic sleeve that is used to hold the camera in order to easily maintain the proper alignment of the camera so that the camera can have the same field of view as the user as taught in Friedland (col. 2 lines 11-18).

8. Claims 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foster et al. (US Patent # 6,704,044), Strub et al. (US Patent # 6,934,461) and further in view of Copp (US PG-PUB # 2001/0055544).

[Claim 23]

Foster in view of Strub teaches cabling means having wires for carrying video, audio and power (e.g. Strub, col. 76 lines 41-45, figures 7 and 8a-c, col. 68 line 57- col. 69 line 9, col. 69 line 65- col. 70 line 12) but fails to teach said wires terminate in a RCA plug . However Copp teaches the use of electronic cables using “RCA plugs” or similar plug devices to provide signal (Paragraph 37) in order to have a widely used plug that is easily available and has been in use for many years and yet is simple, most cost effective way to connect a cable to an electronic box.

Therefore taking the combined teachings of Foster, Strub and Copp, it would be obvious to one skilled in the art to have cabling wires that terminate in a RCA plug in order to have a widely used plug that is easily available and has been in use for many years and yet is simple, most cost effective way to connect a cable to an electronic box.

[Claim 25]

Foster in view of Strub teaches a camouflaged video camera but fails to teach wherein the image-capturing device is a bullet camera. However Copp teaches miniaturized video lens, referred to as a “Lipstick Tube Bullet camera” (Paragraph 36) in order to have a lightweight and mobile camera operation, and designed to be carried and used by a human operator.

Therefore taking the combined teachings of Foster, Strub and Copp, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have an image capturing device that is a miniaturized video lens, referred to as a “Lipstick Tube Bullet camera”

in order to have a lightweight and mobile camera operation, and designed to be carried and used by a human operator.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571)-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
YKA  
August 4, 2007